

February 14, 2020

Via ECF and Email at Failla NYSDChambers@nysd.uscourts.gov

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**Re: Philadelphia Indemnity Insurance Company v. Streb, Inc.
(Case No. 19-cv-00366 (KPF))**

Your Honor:

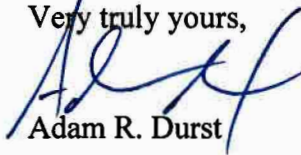
Pursuant to Rule 9 of your Honor's Individual Rules of Practice in Civil Cases, plaintiff Philadelphia Indemnity Insurance Company ("PIIC") hereby requests leave to file a redacted version of its Memorandum of Law in Opposition to Defendant's Motion for Partial Summary Judgment and a redacted version of its Response to Defendant's Local Rule 56.1 Statement. This request is being made pursuant to the requirements set forth in Agreed Protective Order that was So Ordered on July 17, 2019 (*see* Dkt. No. 25).

As you are aware, this action is an insurance coverage dispute in connection with an underlying personal injury action captioned *Shana Guins v. Streb, Inc.* (N.Y. Sup. Ct. Bronx Co., Index No. 34004/2018E) (the "*Guins* action") in which Shana Guins alleges she was injured while attempting to do a forward flip during an acrobatic class at a facility owned and operated by Streb, Inc. ("Streb"). The redacted portion of PIIC's Memorandum of Law and Response to Defendant's Local Rule 56.1 Statement includes a characterization of documents previously filed under seal (*see* Dkt. Nos. 45-3, 45-5, 50-5). This request is being made as required under paragraph 7 of the Agreed Protective Order. PIIC's and Streb's characterization of the aforementioned documentation relates either to the underlying bodily injury action against Streb that is ongoing, which PIIC has requested remain confidential, or to confidential information PIIC submitted during the course of this litigation. The Court granted leave to file the aforementioned documentation on January 13, 2020 and January 17, 2020. Consistent with the Court's prior orders, it is requested that the Court grant PIIC leave to file a redacted version of its Memorandum of Law and Response to Defendant's Local Rule 56.1 Statement.

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Copies of the unredacted versions of the Memorandum of Law and Response to Defendant's Local Rule 56.1 Statement are enclosed for your reference. In addition, copies of the Memorandum of Law and Response to Defendant's Local Rule 56.1 Statement highlighting the information that has been redacted therefrom is also enclosed.

Very truly yours,



Adam R. Durst

cc (via ECF and e-mail): John H. Kazanjian, Esq.
Jessica L. Kyle, Esq.
Michael Glascott, Esq.

Application GRANTED.

Dated: February 14, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE